

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

OCT 10 2017

Clerk, U.S. Courts
District Of Montana
Missoula Division

ALLIANCE FOR THE WILD
ROCKIES, NATIVE ECOSYSTEMS
COUNCIL,

Plaintiffs,

vs.

LEANNE MARTEN, Regional Forester
of Region One of the U.S. Forest
Service, UNITED STATES FOREST
SERVICE, an agency of the U.S.
Department of Agriculture,

Defendants.

CV 17-21-M-DLC

ORDER

Defendants request this Court to extend the stay ordered in the above-captioned matter until January 18, 2018. (Doc. 30.) Plaintiffs oppose this motion. (Doc. 31.) Defendants request this relief because fire containment and rehabilitation in the project area is still ongoing and Defendants would appreciate prolonging assessment of the impacts of the fire until full containment and rehabilitation. The Court will deny the motion in part and grant in part.

Plaintiffs have provided the declaration of Dr. Chad Hanson, an ecologist with a specialization in forest and fire ecology, as support for Plaintiff's argument

that the Park Creek Fire—which is still active in the project area—is a “very slow-moving fire that essentially stopped moving by September 13, 2017.” (Doc. 31 at 8.) Further, Plaintiffs provide publicly available maps showing the progression of the fire boundaries upon which Dr. Hanson based his opinion. These maps may be readily compared to the project site map to discern the effect of the fire upon the project area. After reviewing this information, the Court sees no reason to further delay litigation in this matter. However, Plaintiffs have suggested a compromise by allowing Defendants additional time to file their summary judgment response brief. The Court will allow Defendants additional time to file their summary judgment response brief but, will not extend the stay.

Accordingly, IT IS ORDERED that the Defendants Motion to Extend the Stay (Doc. 30) is DENIED IN PART AND GRANTED IN PART. The Defendants shall have until November 1, 2017, to file their summary judgment response brief.

DATED this 10th day of October, 2017.



Dana L. Christensen
Dana L. Christensen, Chief District Judge
United States District Court